

WHITE & CASE LLP  
Jeremy Ostrander (SBN 233489)  
jostrander@whitecase.com  
3000 El Camino Real  
2 Palo Alto Square, Suite 900  
Palo Alto, CA 94306-2109  
Telephone: (650) 213-0300  
Facsimile: (650) 213-8158

*Attorney for Defendants National Association  
of REALTORS®, California Association of  
REALTORS®, Lodi Association of  
REALTORS®, and Central Valley Association  
of REALTORS®*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JOHN DIAZ,

Plaintiff,

v.

LODI ASSOCIATION OF REALTORS®,  
CENTRAL VALLEY ASSOCIATION OF  
REALTORS®, CALIFORNIA  
ASSOCIATION OF ASSOCIATION OF  
REALTORS®, NATIONAL ASSOCIATION  
OF REALTORS®, AND DOES 1 THROUGH  
5, INCLUSIVE,

Defendants.

Case No. 2:25-cv-01594-DC-CKD

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF DEFENDANTS  
NATIONAL ASSOCIATION OF  
REALTORS®, CALIFORNIA  
ASSOCIATION OF REALTORS®,  
LODI ASSOCIATION OF  
REALTORS®, AND CENTRAL  
VALLEY ASSOCIATION OF  
REALTORS® REPLY IN SUPPORT OF  
MOTION TO DISMISS PLAINTIFF'S  
COMPLAINT**

**Date: September 5, 2025  
Time: 1:30 p.m.  
Courtroom: 8, 13th Floor**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Evidence 201, Defendants National Association of REALTORS®, California Association of REALTORS®, Lodi Association of REALTORS®, and Central Valley Association of REALTORS® (“Defendants”) hereby request that the Court take judicial notice of the following documents in connection with Defendants’ Reply in Support of Their Motion to Dismiss Plaintiff John Diaz’s (“Plaintiff”) Complaint:

**Exhibit 1** is a true and accurate copy of MetroList’s Participant Application form, available at <https://online.metrolist.net/DocuWare/Forms/participant-application-mls-only?orgID=304839db-0bed-49fb-a788-a48cdc0a2b0f>.

**Exhibit 2** is a true and accurate copy of an excerpt of the MetroList MLS Rules, showing Rule 4, “Participant and Authorized Access,” available at [https://prospector.metrolist.net/documents/mls\\_rules/MLS\\_Rules.pdf](https://prospector.metrolist.net/documents/mls_rules/MLS_Rules.pdf).

**Exhibit 3** is a true and accurate copy of an excerpt of the CRMLS Rules & Policies, showing Rule 4, “Participant and Authorized Access,” available at <https://go.crmls.org/crmls-rules-and-policies/>.

### **ARGUMENT**

On a motion to dismiss, courts may look beyond the pleadings at “matters of which a court may take judicial notice” without converting the motion into one for summary judgment. *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007); *see also U.S. v. Ritchie*, 342 F.3d 903, 907–08 (9th Cir. 2003) (“A court may, however, consider certain materials . . . without converting the motion to dismiss into a motion for summary judgment.”).

Federal Rule of Evidence 201 allows the court to take judicial notice of facts that are “not subject to reasonable dispute” because they are (1) “generally known within the trial court’s territorial jurisdiction” or (2) “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). A court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c)(2).

Exhibits 1, 2, and 3 are publicly available information on the websites of MetroList and CRMLS, which are available to the general public, including to Plaintiff. Plaintiff directly

1 references both MetroList and CRMLS in his Opposition and makes representations about the  
2 entities, representations which are directly contradicted by these publicly available sources.

3 Here, Defendants respectfully request that the Court take judicial notice of Exhibits 1, 2,  
4 and 3, attached to this Request for Judicial Notice.

5 Dated: August 7, 2025

6  
7 WHITE & CASE LLP

8 By: /s/ Jeremy Ostrander  
9 Jeremy Ostrander (SBN 233489)  
10 3000 El Camino Real  
11 2 Palo Alto Square, Suite 900  
12 Palo Alto, California 94306-2109  
13 Tel: 650-213-0300  
14 Fax: 650-213-8158

15 *Attorney for Defendants National Association of*  
16 *REALTORS®, California Association of*  
17 *REALTORS®, Lodi Association of*  
18 *REALTORS®, and Central Valley Association*  
19 *of REALTORS®*  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

I, Jeremy Ostrander, certify and declare as follows:

I am employed in the county of Santa Clara, State of California. I am over the age of 18 and not a party to the action within. My business address is 3000 El Camino Real 2 Palo Alto Square, Suite 900, Palo Alto, California 94306-2109.

On August 7, 2025, I caused a copy of **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS NATIONAL ASSOCIATION OF REALTORS®, CALIFORNIA ASSOCIATION OF REALTORS®, LODI ASSOCIATION OF REALTORS®, AND CENTRAL VALLEY ASSOCIATION OF REALTORS® REPLY IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT** to be served upon all counsel of record via the Court's CM/ECF system.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on August 7, 2025 at Palo Alto, California.

s/ Jeremy Ostrander  
Jeremy Ostrander